

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

WECARE RG, INC., GRACIE BAKED LLC, and
ANDREA SCHOENBEIN d/b/a SECOND CHANCE
TREASURES on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

GIFTLY INC.,

Defendant.

CIVIL ACTION

Case No. 2:22-cv-02672

**PLAINTIFFS' UPDATED
MOTION FOR
PRELIMINARY
SETTLEMENT APPROVAL**

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*Attorneys for Plaintiffs and the
Proposed Settlement Class*

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law in support of this motion, Plaintiffs WeCare RG, Inc., Gracie Baked LLC, and Andrea Schoenbein will move this Court, before the Honorable Wendy Beetlestone, Judge of the United States District Court for the Eastern District of Pennsylvania, at the United States District Courthouse, located at 601 Market Street, Philadelphia, Pennsylvania, 19106, at a time and place to be scheduled by this Court, for an order:

- (1) granting preliminary approval of the First Amended Settlement Agreement;
- (2) conditionally certifying the Settlement Class solely for purposes of this Settlement Agreement, and appointing (a) WeCare RG, Inc., Gracie Baked LLC, and Andrea Schoenbein as representatives of the Class, and (b) Raphael Janove of Pollock Cohen LLP as Class Counsel for the Class;
- (3) approving the forms of notice and proposal for disseminating them to Settlement Class Members, as well as deadlines to opt-out of or object to the Settlement; and
- (4) scheduling a hearing pursuant to Fed. R. Civ. P. 23(e) to determine whether the proposed Settlement (a) is fair, reasonable, and adequate, and (b) should be finally approved and an appropriate judgment entered.

The Settling Parties previously agreed to and signed a prior Settlement Agreement dated March 29, 2023 (the “First Settlement”), and, in order to address concerns expressed by the Hon. Wendy Beetlestone at the April 19, 2023, hearing on Plaintiff’s Motion for Preliminary Approval, have agreed to restate the First Settlement with certain revisions:

- (a) Modifying the jurisdictional language of the Settlement Agreement (paragraphs 9 and 31) and the proposed Preliminary Approval Order (paragraph 16) to provide that this United States District Court for the Eastern District of Pennsylvania does not retain jurisdiction;
- (b) Narrowing the release in the Settlement Agreement by striking “including any claims arising out of, resulting from, or in any way related to any conduct regardless of where it occurred at any time,” from paragraph 13.

Dated: April 25, 2023

Respectfully Submitted,

By: /s/ Raphael Janove

Raphael Janove

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CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2023, the foregoing document was filed electronically with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to all the attorneys of record.

/s/ Raphael Janove
Raphael Janove